

REMARKS

Claims 1-6 are canceled. Claims 7-12 are pending. Claims 9, 10 and 12 are amended.

Objection to the Specification

The abstract of the disclosure is objected to because it includes the term “disclosed” and it exceeds 150 words. Appropriate corrections have been made.

Claim Rejections – 35 USC 112

Claims 9, 10, and 12 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Corrections have been made to clarify the description of the spring arms.

Claim Rejections – 35 USC 102

Claims 7-9 and 12 are rejected under 35 USC 102(b) as being anticipated by GB-2185079 (GB’079).

Applicant respectfully submits that GB’079’s spring assembly 29 is not arranged as required by Claim 7 and therefore GB’079 can not anticipate Claim 7. According to MPEP 2131, in order to anticipate a claim a reference must teach every element of the claim. The elements must be arranged as required by the claim, citing *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Claim 7 recites, in pertinent part, at least one brake lining (4) displaceably arranged in relation to the brake caliper and a spring clip (12, 22) connected to the spring element (11, 21) and being detachably fastened at the brake lining (4) by way of two spring arms (13, 23). In other words the brake lining that is displaceably arranged in relation to the brake caliper (3) is the same brake lining (4) that is detachably

fastened to the two spring arms (13,23).

GB'079 does not have such an arrangement. Instead, GB'079 discloses a spring 29 that urges a pad 19 and associated backing plate 20 against a limb 17. GB'079 pg. 2, lines 20-23. Since pad 19 is urged against limb 17 it is not a displaceably arranged pad. Instead, pad 18 is the displaceably arranged pad since it displaces toward rotor 10 when the hydraulic cylinder/piston assembly 26,27 is actuated. GB'079 pg. 2, lines 14-19. Since displaceably arranged pad 18 is not connected to spring 29, applicant respectfully submits that GB'079 is not arranged as required by Claim 7 and therefore does not anticipate Claim 7.

Claims 8, 9, and 12 depend either directly or indirectly from Claim 7 and are believed to be in a condition for allowance for at least the same reason as Claim 7.

Claim Rejections – 35 USC 103

Claim 10 is rejected under 35 USC 103(a) as being unpatentable over GB'079 in view of US Patent Application 2002/0043436.

Claim 11 is rejected under 35 USC 103(a) as being unpatentable over GB'079 in view of EP-1227260 (EP'260).

Claims 10 and 11 depend either directly or indirectly on Claim 6, which is believed to be in a condition for allowance as stated above. Applicant respectfully submits that US Patent Application 2002/0043436 and EP-1227260 do not make up for the aforementioned shortcoming of GB'079 as a reference and therefore do not support a *prima facie* case of obviousness with regard to Claims 10 and 11.

CONCLUSION

Accordingly, Applicant believes that the claims as amended overcome the raised objections and rejections and are in a condition for allowance.

Respectfully submitted,

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